



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

history of the movement, the legislation and the principles on which it is based, constitutionality, administration, and methods of insuring. A general view of the whole subject is presented.

Mr. Blanchard's volume, *Liability and Compensation Insurance*, views the subject from a particular aspect. The work is divided into three parts. Part I, "Industrial Accidents and Their Prevention," presents briefly and clearly the facts of industrial accidents as far as we have statistics on them, the possibilities of accident prevention, and the results of such work. Part II deals with "Employers' Liability and Workmen's Compensation." Here, with more detail, are given the common law of employers' liability, a criticism of the system, the theory of workmen's compensation, the historical development in Germany, England, and the United States. The chief features of compensation legislation in this country are then presented in five chapters, and a final chapter deals with the constitutionality of the legislation. Part III, "Employers' Liability and Workmen's Compensation Insurance," is the especially valuable part of the work. The principles and practices of insurance are applied to workmen's compensation in ten chapters, covering the following subjects: "The Theory of Insurance as Applied to Employers' Liability and Workmen's Compensation," "Methods of Insurance," "The Policy Contract," "Manual Premium Rates," "Merit Rating," "Reserves," and "Insurance of the Catastrophe Hazard." In the appendixes are given the New York workmen's compensation law, and a form of a typical policy contract. The work closes with an index.

The rating problem presented by insurance of workmen's compensation obligations is clearly presented, the methods now being developed are discussed, criticisms are made and conclusions are drawn, and references are given to the best authorities on the problem. In the presentation of the insurance problem an important and timely contribution has been made.

EDITH S. GRAY

UNIVERSITY OF CHICAGO

---

*Standards of American Legislation.* An Estimate of Restrictive and Constructive Factors. By ERNST FREUND. University of Chicago Press, 1917. Pp. xx+317. \$1.50 net, postage extra; weight 1 lb. 10 oz.

This is a noteworthy contribution to the scientific improvement of our legal system. It purports to be an essay of constructive criticism

rather than a systematic treatise. The book should appeal, not only to lawyers and students of law, but to teachers and students of political science, constitutional history, sociology, and social reform. It is one of those rare law books that may be read with pleasure and profit by the intelligent general reader.

Professor Freund is a pioneer in this field and in his method of attack. Perhaps if the book were entitled "*Legislative Policies in American Constitutions, Statutes, and Common Law*," this would give a better idea of the scope of the discussion.

The treatment of the various topics does not deal in glittering generalities but is replete with concrete, specific, and illuminating criticism. The very wealth of interesting detail and illustration makes it somewhat difficult at times to follow the trend and sequence of the discourse in its larger outlines. An attempt will be made in this review to give a concise survey of the book as a whole.

The Introduction shows how the courts have read legislative policies as to economic and social matters into that indefinite constitutional guaranty, "due process of law," and suggests an inquiry into a better basis for estimating the legitimacy of statutory policies with reference to individual rights other than precedent and implication from abstract formulas.

Chapter i traces the historic changes of legislative policy with reference to the rights of personality, freedom of thought and expression, the repression of unthrift and dissipation, the protection of public health and safety. The last part of this chapter gives an outline of the modern growth of social legislation and explains the hostile and suspicious attitude of the courts as resistance to a new concept of state functions which may prove revolutionary and socialistic.

Chapter ii, on "*The Common Law and Public Policy*," points out the failure of the courts to reckon with the legislative policy involved in their decisions and their effect on the relations of the different classes of the community. It is said that "the common law must be charged with having too much justice and too little policy," i.e., too little regard for social interests. It is the task of modern legislation to redress this individualistic cast and give expression to public interests.

Chapter iii, on "*The Tasks and Hazards of Legislation*," deals with the function of legislation in supplementing and correcting common-law defects in such matters as restraint of trade, nuisance, and liquor prohibition. It also deals with the validity of legislation in so far as it depends upon doubtful questions of fact and good faith, and in so far as it

endeavors to enforce contested and immature standards of social and industrial obligations. The author dwells on the neglect of those, advocating new restrictions or requirements to substantiate their reforms by demonstrated facts and arguments. Those demanding legislative interference should make an adequate investigation and presentation of the evidence on which intelligent and just action can be taken.

Chapter iv deals with the legislative policies embodied in American state constitutions, such as the provisions with reference to banks, railroads, and corporations. It contains an interesting estimate of the position of fundamental rights under the police power, and brings out the point that indifference is the dominating attitude toward the guaranties of individual right, owing to the fact that they have proved inconvenient obstacles in the enforcement of social policies and industrial reforms.

Chapter v, "Judicial Doctrines," deals, for the most part, with the historical development of limitations on legislative power on the basis of general clauses, such as "due process." The author concludes that, although the courts are protecting now, in the name of due process, traditional economic policies and not merely cardinal or immutable principles of justice, there is no danger of permanent hindrance to legislative progress, but rather danger of inadequate protection for the policy of individual freedom.

In chapter vi, on "The Meaning of Principle in Legislation," the author makes perhaps his most original contributions in differentiating policy and principle in legislation. "Principle" he conceives as certain guiding ideals or rules which control the effectiveness and justice of legislative commands but which frequently go beyond constitutional requirements. One of the most interesting principles of legislation which the author formulates is that of correlation, by which he means the joining of essentially correlative rights and obligations. Observance of this principle would mean more carefully measured justice. Another principle is that of standardization which serves to advance certainty, objectivity, stability, and uniformity of law.

In the final chapter on "Constructive Factors" the author finds perhaps the greatest hope for establishing constructive principles of legislation (as contrasted with the negative restrictions which we have at present) in the further development of plans that have already been tried, namely: (1) the preparation of bills by special legislative commissions; (2) the delegation of power to administrative commissions; (3) the organization of drafting bureaus; and (4) the codification of standing causes.

The author points out that American law schools at present neglect the legislative point of view and should give special courses in the problems of legislation, if the technical difficulties of giving such courses can be overcome.

H. W. BALLANTINE

URBANA, ILL.

---

*Retail Buying.* By CLIFTON C. FIELD. Harper Bros., 1917.  
Pp. 219. \$1.25.

Two sets of books have developed in the field of economic activity. One of these has been academic and theoretical, centering about value, distribution, and marginal utility. The other has offered detailed advice on the best way to make a sale. The former failed very largely to reach the "practical business man," but flourished like the biblical green bay tree in college courses. The latter found no standing except among business men, and not a great deal there. More recently a new generation of business books has arisen, dealing with economic problems in a way unknown and probably impossible before.

These new books are of many different degrees of excellence, though one and all have the same purpose in view. This purpose is to develop out of the real business experience of "the street" certain broadly applicable principles that will prove helpful to other business men. Perhaps too much stress is being laid upon the business experience of the writers of these books, in the hope that a large experience will cover a multitude of defects. Nevertheless there is no denying that a wealth of new material is thus being accumulated on many phases of the many-sided problem of the modern business man. The writers have gone pioneering for facts and have performed a notable service by blazing the way for a more extended and mature treatment.

Such a book is Mr. Clifton C. Field's *Retail Buying*. It covers a part of the field hitherto neglected—the equipment and practices of the buyer of merchandise. The author declares at the very outset the laudable purpose to "provide a simple and readable explanation of what is best today in buying principles and practice." As in so many other departments of business activity today, it is desired here to displace the old-fashioned, empirical, "rule-of-thumb" methods with scientific principles. It is a noble ambition, of course, though one is rarely deceived, by a mere historical description or by an emphatic assertion that "this is the best way," into believing that he is getting the real stuff of business science. Here is another case where "knowledge comes, but wisdom lingers."